

REMARKS

The above Amendment and the following remarks are responsive to the Office Action dated May 11, 2004. The Applicant respectfully requests entry and consideration of this Amendment. Favorable reconsideration of this case, and early issuance of a Notice of Allowance is also requested.

I. Status of the Claims

Claims 1–42 are pending in the application. Claims 1-20 and 31-40 have been deemed allowable and claims 21-30, 41 and 42 stand rejected. Upon entry of this Amendment, claims 21 and 41 have been rewritten. No new matter has been introduced by this Amendment.

II. Response to the Rejections under 35 U.S.C. § 101

The Examiner rejected claims 21–30, 41, and 42 under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter. The Applicants respectfully traverse this rejection for the following reasons.

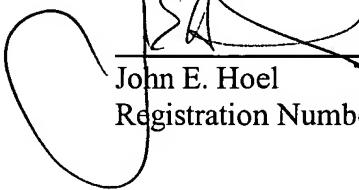
Independent claims 21 and 41, as amended herein, recite a computer program product comprising a memory with computer readable medium having computer program logic recorded thereon and at least one processor in communication with said memory for executing program code for calculating a cost of receiving multicast data from a multicast session. As amended, the claim are believed more clearly illustrate th implementation of the above claimed operations by a processor, computer or machine. Additionally, claims 11 and 41 as amended are believed to be more consistent with allowed claim 11. Thus, claims 21 and 41 are now believed to recite statutory subject matter as required by 35 U.S.C. § 101 and, therefore, be in condition

for allowance. Likewise, claims 22–30 and 42 are also believed to be allowable based on their dependency from claims 21 and 41, respectively.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, including any extension of time, or credit any overpayment to Deposit Account No. 13-4500, Order Number 4208-4063.

Respectfully submitted,
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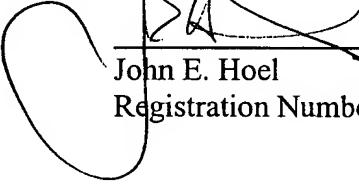
Dated: July 2, 2004

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